

OPEN MEETING ITEM



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MEMORANDUM

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TO: THE COMMISSION

FROM: Utilities Division

AZ CORP COMMISSION
DOCUMENT CONTROL

DATE: April 16, 2001

RE: IN THE MATTER OF THE APPLICATION OF QWEST CORPORATION F/K/A/
U S WEST COMMUNICATIONS, INC., FOR APPROVAL OF LOCAL NUMBER
PORTABILITY MANAGED CUTS AMENDMENT TO THE INTERCONNECTION
AGREEMENT WITH BROOKS FIBER COMMUNICATIONS OF TUCSON, INC.
(DOCKET NOS. T-01051B-01-0178 AND T-03009A-01-0178)

On February 27, 2001, Qwest Corporation ("Qwest") f/k/a U S WEST Communications, Inc., filed an application for approval of a Local Number Portability and Managed Cuts Amendment to the Interconnection Agreement between Qwest and Brooks Fiber Communications of Tucson, Inc. ("Brooks"). The original Interconnection Agreement was approved by the Commission on February 6, 1997, in Decision No. 60050.

The Telecommunications Act of 1996 ("1996 Act"), directed incumbent local exchange carriers to make their networks available for interconnection and resale by new entrants to the local exchange market. The 1996 Act provides for interconnection and resale agreements to be concluded by voluntary negotiation. This Amendment to the Interconnection Agreement between Qwest and Brooks was voluntarily negotiated, without resort to arbitration.

Under the terms of this Amendment, Qwest will provide Number Portability and coordinated Managed Cuts, which allow a service to be switched between carriers simultaneously with little disruption.

According to the 1996 Act, the Commission must approve voluntarily negotiated interconnection and resale agreements, if their provisions are non-discriminatory and in the public interest. Staff has reviewed the Amendment and finds it to be non-discriminatory and in the public interest. Qwest is offering the same terms and conditions of the Agreement to all other interested parties. The Agreement is in the public interest because it will act to further competition in the local exchange market in Arizona.

Arizona Corporation Commission
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THE COMMISSION

April 16, 2001

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Since there are no grounds for rejection of the Amendment pursuant to Section 252(e)(2)(A), of the 1996 Act, Staff has recommended that the Commission approve the Amendment to the Interconnection Agreement between Qwest and Brooks.



Deborah R. Scott

Director

Utilities Division

DRS:EAA:jbc\MAS

ORIGINATOR: Erinn Andreasen

1 **BEFORE THE ARIZONA CORPORATION COMMISSION**

2 WILLIAM A. MUNDELL

Chairman

3 JIM IRVIN

Commissioner

4 MARC SPITZER

Commissioner

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6 IN THE MATTER OF THE APPLICATION)
OF QWEST CORPORATION F/K/A U S WEST)
7 COMMUNICATIONS, INC., FOR APPROVAL)
OF A LOCAL NUMBER PORTABILITY)
8 MANAGED CUTS AMENDMENT TO THE)
INTERCONNECTION AGREEMENT WITH)
9 BROOKS FIBER COMMUNICATIONS OF)
TUCSON, INC.)

DOCKET NOS. T-01051B-01-0178
T-03009A-01-0178

DECISION NO. _____

ORDER

10
11 Open Meeting
May 1 and 2, 2001
12 Phoenix, Arizona

13 BY THE COMMISSION:

14 FINDINGS OF FACT

15 1. On February 27, 2001, Qwest Corporation ("Qwest"), f/k/a U S WEST
16 Communications, Inc., filed an application for approval of a Local Number Portability and
17 Managed Cuts Amendment to the Interconnection Agreement between Qwest and Brooks Fiber
18 Communications of Tucson, Inc. ("Brooks"). The original Interconnection Agreement was
19 approved by the Commission on February 6, 1997, in Decision No. 60050.

20 2. The Telecommunications Act of 1996 ("1996 Act"), directed incumbent local
21 exchange carriers to make their networks available for interconnection and resale by new entrants
22 to the local exchange market. The 1996 Act provides for interconnection and resale agreements to
23 be concluded by voluntary negotiation.

24 3. This Amendment to the Interconnection Agreement between Qwest and Brooks was
25 voluntarily negotiated, without resort to arbitration.

26 4. Under the terms of this Amendment, Qwest will provide Number Portability and
27 coordinated Managed Cuts, which allow a service to be switched between carriers simultaneously
28 with little disruption.

6. Staff has reviewed the Amendment and finds it to be non-discriminatory and in the public interest. Qwest is offering the same terms and conditions of the Agreement to all other interested parties. The Agreement is in the public interest because it will act to further competition in the local exchange market in Arizona.

7. Since there are no grounds for rejection of the Amendment pursuant to Section 252(e)(2)(A), of the 1996 Act, Staff has recommended that the Commission approve the Amendment to the Interconnection Agreement between Qwest and Brooks.

1. Qwest is an Arizona public service corporation within the meaning of Article XV, Section 2, of the Arizona Constitution.

2. The Commission has jurisdiction over Brooks and over the subject matter of the Application.

3. The Commission, having reviewed the Application and Staff's Memorandum has determined that the Amendment to the Interconnection Agreement negotiated between Qwest and Brooks meets the requirements of Section 252(e)(2)(A), of the 1996 Act, which governs the approval of voluntarily-negotiated agreements and is in the public interest.

4. The Commission maintains jurisdiction over the subject matter of the Agreement and Amendments thereof, to the extent permitted pursuant to the powers granted the Commission by the Arizona Constitution, Statutes, Commission Rule, and the 1996 Act and the Rules promulgated thereunder.

...

ORDER

IT IS THEREFORE ORDERED that the Commission hereby approves the Amendment to the Interconnection Agreement between Qwest and Brooks filed on February 27, 2001.

IT IS FURTHER ORDERED that this Decision shall become effective immediately.

BY ORDER OF THE ARIZONA CORPORATION COMMISSION

CHAIRMAN

COMMISSIONER

COMMISSIONER

IN WITNESS WHEREOF, I, BRIAN C. McNEIL,
Executive Secretary of the Arizona Corporation
Commission, have hereunto, set my hand and caused the
official seal of this Commission to be affixed at the Capitol,
in the City of Phoenix, this ____ day of _____, 2001.

BRIAN C. McNEIL
Executive Secretary

DISSENT: _____

DRS:EAA:jbc/MAS

1 SERVICE LIST FOR: QWEST CORPORATION AND BROOKS FIBER COMMUNICATIONS
2 OF TUCSON, INC.

3 DOCKET NOS. T-01051B-01-00178 AND T-03009A-01-0178

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14 Fennemore Craig
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